

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

COREY DUANE HAMILTON,

Plaintiff,

v.

Case No. CIV-06-1193-F

**JUSTIN JONES, in his capacity as
Director Oklahoma Department
of Corrections; MARTY SIRMONS, in
his capacity as Warden, Oklahoma State
Penitentiary; W. MARK LUTTRULL,
ROBERT L. RAINEY, EARNEST D.
WARE, DAVID C. HENNEKE,
TED LOGAN, BEVERLY YOUNG
and ERNEST GODLOVE, in their
capacities as members of the Oklahoma
Board of Corrections; and UNKNOWN
EXECUTIONERS, in their capacities as
Employees and/or Agents of the
Oklahoma Department of Corrections**

Defendants.

ORDER

This cause comes on for consideration of the Plaintiff's Application to Proceed in Forma Pauperis, filed October 27, 2006. (Doc. no. 2.) The Court, being fully advised in the premises determines that the motion should be and the same is hereby GRANTED. The Clerk of the Court is ordered to issue and serve all process necessary in connection with the case without further prepayment of fees.

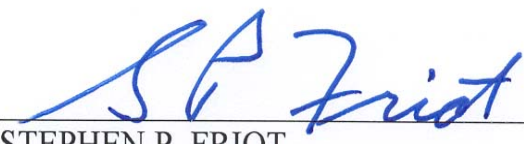
IT IS HEREBY ORDERED that by November 30, 2006, plaintiff pay an initial partial filing fee in an amount equal to the greater of (1) the average monthly deposits or (2) the average monthly balance, in plaintiff's prison account(s), for the six-month period immediately

preceding the filing of the complaint. 28 U.S.C. § 1915(b)(A)(B). Plaintiff is advised that unless by the date specified above, he has either (1) paid the initial partial filing fee, or (2) shown cause in writing for the failure to pay, this action will be subject to dismissal without prejudice to refiling and no fees or costs will be imposed or collected.

IT IS FURTHER ORDERED that after payment of the initial partial filing fee, plaintiff shall make monthly payments of 20 percent of the preceding month's income credited to his prison account(s) until he has paid the total filing fee of \$350. 28 U.S.C. § 1915(b)(2). After payment of the initial partial filing fee, this court will enter an order directing the agency having custody of plaintiff to collect and forward such monthly payments to the clerk of the court each time plaintiff's institutional account balance(s) exceed(s) \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

Plaintiff is further advised that such monthly payments will continue to be collected until full payment of the filing fee has been received by the court, even after disposition of the case and regardless of whether relief is granted or denied.

Dated this 8th day of November, 2006.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE